

**FILED**

**FEB 22 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

LUCIO A. BARROGA,

Plaintiff - Appellant,

v.

BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC RETIREMENT  
SYSTEM,

Defendant - Appellee.

No. 05-55232

D.C. No. CV-04-06315-ABC

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Audrey B. Collins, District Judge, Presiding

Submitted February 13, 2006<sup>\*\*</sup>

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Lucio A. Barroga appeals pro se from the district court's order denying his request that a three-judge panel of the district court consider whether he properly

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

served the summons and complaint. Barroga's request for a three-judge panel followed the district judge's denial of Barroga's motion for entry of default judgment. As the district court's order did not end the proceedings, and is not an appealable interlocutory order, we dismiss this appeal for lack of jurisdiction.

**DISMISSED**